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ALLSTATE INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTINE MORAN-TRETO, an
individual,

Plaintiff,

vs.

ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY, a foreign
corporation; DOES I through X, inclusive
and ROE BUSINESS ENTITIES I through
X, inclusive,

Defendants.

Case No. 2:23-cv-00660-RFB-BNW

**JOINT DISCOVERY PLAN AND
SCHEDULING ORDER PURSUANT
TO FED. R. CIV. P. 26(f) AND
LOCAL RULE 26-1(b)**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

Plaintiff Christine Moran-Treto by and through her attorney of record, Ramzy P. Ladah, Esq. and Donald P. Paradiso, Esq. of Ladah Law Firm and Defendant Allstate Insurance Company by and through its attorneys of record, Jared G. Christensen, Esq., and Deleela M. Weinerman, Esq. of the law firm Bremer, Whyte, Brown & O'Meara, LLP, hereby submit their Joint Discovery Plan and Scheduling Order Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1(b). Deadlines that fall on a Saturday, Sunday or legal holiday have been scheduled for the next judicial day.

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- 1 **1. Fed. R. Civ. P. 26(f) Meeting:** Pursuant to Fed. R. Civ. P. 26(f), counsel for
2 the parties conferred by telephone to develop a proposed discovery plan on
3 June 2, 2023.
- 4 **2. Pre-Discovery Disclosures:** Pursuant to Fed. R. Civ. P. 26(a)(1), the parties
5 will make their pre-discovery disclosures, including any and all information
6 required by Fed. R. Civ. P. 26(a)(1) on or before June 16, 2023.
- 7 **3. Areas of Discovery:** The parties agree that the area of discovery should
8 include, but not be limited to all claims and defenses allowed pursuant to the
9 Federal Rules of Civil Procedure.
- 10 **4. Discovery Plan:** The parties propose the following discovery plan:
 - 11 **a. Discovery Cut-Off Date [LR 26-1(b)(1)]:** Defendant filed its Answer
12 on May 4, 2023. The proposed last day of discovery shall be **January**
13 **2, 2024**, which is calculated as 240 days from Defendant's Answer in
14 this matter. The parties request a longer period to conduct discovery in
15 order to accommodate the extent of discovery that will be required.
16 Plaintiff has allegedly over \$375,000.00 in medical specials.
17 Defendant anticipates obtaining Plaintiff's medical records, serving
18 written discovery, deposing treating physicians, and retaining experts
19 (including an expert to conduct an independent medical examination),
20 who will in turn likely be deposed by Plaintiff. Moreover, Plaintiffs
21 will likely retained experts which will need to be deposed by
22 Defendant. As such, the parties respectfully request additional time to
23 conduct discovery in this matter as reflected herein.
 - 24 **b. Amendment of Pleadings and Adding of Parties [LR26-1(b)(2)]:**
25 The parties shall have until **October 4, 2023**, to file any motions to
26 amend the pleadings or to add parties. This is 90 days before the
27 proposed discovery cut-off date.
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- 1 **c. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts) [LR26-1(b)(3)]:**
2 Disclosure of experts shall proceed according to Fed. R. Civ. P.
3 26(a)(2) and pursuant to LR 26-1(b)(3). The initial disclosure of
4 experts and expert reports shall occur on **November 3, 2023**, which is
5 60 days before the proposed discovery cut-off date, and the disclosure
6 of rebuttal experts and rebuttal expert reports would be due on
7 **December 4, 2023**, which is 30 days after the initial disclosure of
8 experts.
- 9 **d. Dispositive Motions [LR 26-1(b)(4)]:** The parties shall have until
10 **February 1, 2024** to file dispositive motions, which is 30 days after
11 the proposed discovery cut-off date.
- 12 **e. Pre-Trial Order [LR 26-1(b)(5)]:** The joint pre-trial order shall be
13 filed by **March 4, 2024**, which is 30 days after the date set for filing
14 dispositive motions. If a dispositive motion is timely filed, this deadline
15 is suspended until 30 days after a decision on the dispositive motion or
16 further order of the Court.
- 17 **f. Trial Readiness:** This case should be ready for trial by August or
18 September of 2024 and is expected to take approximately 7-10 days.
- 19 **g. Fed. R. Civ. P. 26(a)(3) Disclosures [LR 26-1(b)(6)]:** Unless
20 otherwise directed by the Court, pretrial disclosures as set out in Fed.
21 R. Civ. P. 26(a)(3) and any objections to them shall be included in the
22 joint pre-trial order.
- 23 **h. Court Conferences:** If the Court has questions regarding the dates
24 proposed by the parties, the parties request a conference with the Court
25 before entry of the Scheduling Order. If the Court does not have
26 questions, the parties do not request a conference with the Court.
- 27 **i. Extension or Modifications of the Discovery Plan and Scheduling**
28 **Order:** LR 26-3 governs modifications or extensions of the

1 Discovery Plan and Scheduling Order. Any stipulation or motion to
2 extend a deadline set forth in the discovery plan and scheduling order
3 must be made not later than 21 days before the subject deadline.

4 **j. Format of Discovery:** Pursuant to the electronic discovery
5 amendments to the Federal Rules of Civil Procedure effective
6 December 1, 2006, the parties addressed the e-discovery issues
7 pertaining to the format of discovery at Fed. R. Civ. P. 26(f)
8 conference. The parties do not anticipate discovery of native files or
9 metadata at this time, but each party reserves the right to make a
10 showing for the need of such electronic data as discovery progresses.

11 **5. Alternative Dispute Resolution and Settlement [LR 26-1(b)(7)]:** The
12 parties certify that they met and conferred about the possibility of using
13 alternative dispute resolution processes, including mediation, arbitration, and
14 if applicable, an early neutral evaluation.

15 **6. Alternative Forms of Case Disposition [LR 26-1(b)(8)]:** The parties certify
16 that they considered consent to trial by a Magistrate Judge under 28 U.S.C.
17 636(c) and Fed. R. Civ. P. 73, and the use of the Short Trial Program (General
18 Order 2013-01).

19 **7. Electronic Evidence [LR 26-1(b)(9)]:** The parties certify that they
20 discussed whether they intend to present evidence in electronic format to
21 jurors for the purposes of jury deliberations. The parties may present
22 evidence in electronic format to jurors for the purposes of jury deliberations
23 in compliance with the Court's electronic jury evidence display system.

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1 **8. Review of Local Rule 26-1(b):** The parties certify that they have read the
2 text of Local Rule 26-1(b), effective as amended May 1, 2016.

3
4 DATED this 14th day of June 2023

DATED this 14th day of June 2023

5 **BREMER WHYTE BROWN &**
6 **O'MEARA LLP**

LADAH LAW FIRM

7 /s/ Deleela M. Weinerman

/s/ Donald P. Paradiso

8 Jared G. Christensen, Esq.

Ramzy P. Ladah, Esq.

9 Nevada State Bar No. 11538

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10 Deleela M. Weinerman, Esq.

Donald P. Paradiso, Esq.

11 Nevada State Bar No. 13985

Nevada State Bar No. 12845

Attorneys for Defendant,

Attorney for Plaintiff,

Allstate Insurance Company

Christine Moran-Treto

12
13 **ORDER**

14 **IT IS SO ORDERED**

15 **DATED:** 3:20 pm, June 15, 2023

16 

17 **BRENDA WEKSLER**

18 **UNITED STATES MAGISTRATE JUDGE**

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June 2023, a true and correct copy of **JOINT DISCOVERY PLAN AND SCHEDULING ORDER PURSUANT TO FED. R. CIV. P. 26(f) AND LOCAL RULE 26-1(b)** was electronically filed and served upon all parties requesting notice via the United States District Court CM/ECF system.

/s/ Alexis Robinson
An employee of BREMER WHYTE
BROWN & O'MEARA, LLP